[Constitution as of 1949]

692 Art. 109. The Supreme Court of the Russian SFSR is the highest judicial organ of the Russian SFSR. The Supreme Court of the Russian SFSR is charged with the supervision of the judicial activities of all the judicial organs of the Russian SFSR, the Autonomous Republics and the Autonomous Regions.

Art. 110. The Supreme Court of the Russian SFSR is elected by the Supreme Soviet of the Russian SFSR for a term of five years.

Art. 111. The Supreme Courts of the Autonomous Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

Art, 112. Territorial and Regional Courts, the Courts of Autonomous Regions, the Courts of National ... and administrative Areas are elected by the territorial and regional Soviets of Working People's Deputies, by the Soviets of Working People's Deputies of Autonomous Regions and by the Soviets of Working People's Deputies of National and administrative Areas for a term of five years.

Art. 113. People's Courts are elected by the citizens of the districts on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

695 Art. 114. Judicial proceedings in the Russian SFSR are conducted in the Russian language or in the language of the Autonomous Republic, the Autonomous 1923 Region or the National Area, persons not knowing the language being guaranteed every opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

Art. 115. In all courts of the Russian SFSR cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to be defended by counsel.

693 Art. 116. Judges are independent and subject only to the law.

Art. 117. Supreme supervisory power to ensure the strict observance of the law by all Ministries and institutions subordinate to them, as well as by officials and citizens within the territory of the Russian SFSR generally, is exercised by the Procurator-General of the USSR directly and also through the Procurator of the Russian SFSR.

Art. 118. The Procurator of the Russian SFSR and the regional procurators are appointed by the Procurator-General of the USSR for a term of five years.

Art. 119. Procurators of territories and regions, of Autonomous Republics and Autonomous Regions are appointed by the Procurator-General of the USSR for a term of five years.

Art. 120. Procurators of National and administrative Areas, districts and cities are appointed by the Procurator of the Russian SFSR subject to the approval of the Procurator-General of the USSR for a term of five years.

Art. 121. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the USSR.

6: Tomasic E-4 (1947-1948) 1953 RF1 Great Russia RF1

inadequacy and dependency, lack of self-reliance and need for complete submissiveness to authority might be fostered. At the same time the attraction to an unapproachable and unattainable father and the feeling of revolt against his despotism, seeking solace from mother and reaction against her over-protection might cause a constant alternation between extremes of these emotional reactions and therefore reinforce the sense of guilt. The feeling of guilt might then provoke a need to confess, to accuse and punish oneself and to submit again completely to the parent's will in the hope to win his acceptance. Self-incriminatory tendencies which have been acquired in this manner might be generalized and extended to relationships on other social levels.

Lanin, an English writer who closely observed Russian behaviour in the second part of the nineteenth century, found that the sense of guilt was "extremely developed."[1] According to this observer there was not only a tendency to confess one's guilt but there was also on the part of the public an insistence on confession of guilt. Moreover, as in the teaching of the Russian Church, confession of guilt was often accepted in social relations as equal to an eradication of sin and therefore demanded forgiveness. "He who confesses has repented, and he who has repented has wiped out his sin," is a Russian folk saying.

Such attitudes and feelings supported the inquisitorial system of justice where the emphasis was on the formality of confession, regardless of the means by which confession has been extorted. Thus since the main emphasis was on confession everything was done to obtain it. If the victim showed any reticence or reluctance, his accusers did not hesitate to employ moral coercion and physical torture to force confession out of him. Once confession was obtained, the conscience of all the participants seemed to have been satisfied:

> . . . Straightway the people rushed
> At the three fleeing murderers; they seized
> The hiding miscreants and led them up
> To the child's corpse, yet warm; when lo! a marvel . . .
> The lifeless little one began to tremble!
> "Confess!" the people thundered; and in terror
> Beneath the ax the villains did confess . . .[2]

6: Tomasic E-4 (1947-1948) 1953 RF1 Great Russia RF1

[Saint Theodosius]

593 159 792 rified by such behavior. After his father's death, Theodosius used "to go to the fields with the slaves and work humbly."[13] Later when Theodosius finally escaped from his mother's tyranny by entering a monastery, he became the founder of that school of Russian monastic philosophy which emphasizes self-abnegation and meekness, as well as charitable love and compassion for those who suffer. In that manner Theodosius identified himself and his Church with all those who were tyrannized. But he was also active in protecting those to whom injustice was done. He became "intercessor for many before judges and princes, rescuing people."[14]

152 695 Deep sympathy for those who suffer and identification with them might explain why the Russian juries and the peasant courts were so ready to acquit the repentants. Juries and courts would often set free criminals who were found guilty by well established evidence. The verdict in such a case might be "not guilty" because of "commiseration for the poor murderer." A jury sitting through Holy Week would tend to acquit everybody, because "at the time of our Lord's Passion, it does not become Christians to condemn their brethren."[15]

152 538 Sympathy for those who suffer and identification with them is an outstanding trait of Russian literature of the nineteenth and early twentieth centuries. Russian writings of those days exhibit a preoccupation with great social, political, religious and psychological problems of mankind. They picture a gloomy, painful, and tragic world, full of misery, injustice, blood and death. In the same manner the school textbooks of those days contained many heartbreaking stories full of compassion and commiseration for the suffering, unprotected, weak.

152 783 538 668 When identification with suffering is a manifestation of revolt or is combined with the urge for revolt, strong feelings of guilt might develop. On such grounds compulsion to suffer and to be persecuted might thrive. This "Russian Kenotism" is found among the early Russian monastics[16] as well as among the Russian nineteenth century revolutionaries and men of letters. Some Russian revolutionary factions, for instance, emphasized sacrifice and martyrdom to the point of self-destruction.[17] In the like manner Count Leo Tolstoy claims in his diary that he, "often